

REMARKS/ARGUMENTS

Claims 1-4, 7-11, and 13-56 were previously pending in the application. Claims 24-28, 40-43, and 45-49 are canceled; claims 1, 8, 18-23, 29-30, 44, and 50-51 are amended; and new claims 57-66 are added herein. Assuming the entry of this amendment, claims 1-4, 7-11, 13-23, 29-39, 44, and 50-66 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

In paragraph 3 on page 2 of the office action, the Examiner stated that "claims 1-3, 7-9, 13-17, 19-23, 24, 27, 45, and 48" were rejected under 35 U.S.C. 103(a) as being unpatentable over Platt in view of Bisgaard. The Applicant notes, however, that in the body of paragraph 3, the Examiner appears to address a different set of claims. In particular, on page 2, the Examiner discusses "claims 1, 8, 19, 20-23, and 44." On page 3, the Examiner discusses claim 5, while claim 3 does not appear to be discussed at all in paragraph 3. If these rejections are maintained, then clarification is requested.

In paragraph 4, the Examiner rejected claims 10, 19, 26, and 47 under 103(a) as being unpatentable over Platt in view of Bisgaard in further view of Hou.

In paragraph 5 on page 9, the Examiner stated that "claims 4, 11, 25, 38, 43 and 46" were rejected under 103(a) as being unpatentable over Platt in view of Bisgaard in further view of Rho. The Applicant notes, however, that in the body of paragraph 5, claim 38 does not appear to be discussed. If these rejections are maintained, then clarification is requested.

In paragraph 6, the Examiner rejected claim 18 under 103(a) as being unpatentable over Platt in view of Bisgaard in further view of Westermann.

In paragraph 7 on page 12, the Examiner stated that "claims 36-42" were rejected under 103(a) as being unpatentable over Rho in view of Bisgaard. The Applicant notes, however, that in the body of paragraph 7, claim 36 does not appear to be discussed. If these rejections are maintained, then clarification is requested.

In paragraph 8, the Examiner objected to claims 28-35 and 49-56 as being dependent upon a rejected base claim, but indicated that those claims would be allowable if rewritten in independent form.

For the following reasons, the Applicant submits that all of the now-pending claims are allowable over the cited references.

Claims 1, 8, 19-23, and 44

Independent claim 23 has been amended to clarify that the processor is in the hearing aid. As such, currently amended claim 23 is equivalent to previously presented claim 28 rewritten in independent form. Since the Examiner stated that previously presented claim 28 would be allowable if rewritten in independent form, the Applicant submits that currently amended claim 23 is allowable.

For similar reasons, the Applicant submits that currently amended claims 1, 8, 19-22, and 44 are allowable. Since claims 2-4, 7, 9-11, 13-18, 29-35, and 50-56 depend variously from claims 1, 8, 23, and 44, it is further submitted that those claims are also allowable.

Claim 36

According to claim 36, the hearing aid comprises a processor that is adapted to receive a sequence of one or more non-audible commands from a computer system and cause an audible test tone to be generated by the hearing aid in response to receipt of each command. In rejecting claim 36 in paragraph 7, the Examiner cited Rho in view of Bisgaard. Significantly, however, claim 36 is not discussed in the body of paragraph 7. The Applicant submits that the cited references do not teach the claimed invention. In particular, none of the cited references teaches a hearing aid having a processor that receives non-audible commands and causes audible test tones to be generated by the hearing aid in response to those non-audible commands.

As such, the Applicant submits that claim 36 is allowable over the cited references. Since claims 37-39 depend variously from claim 36, it is further submitted that those claims are also allowable over the cited references.

New Claims 57-66

Support for new claims 57-66 can be found, inter alia, as follows:

<u>New Claim</u>	<u>Support</u>
57	Claims 23 & 31
58	Claim 32
59	Claim 33
60	Claim 34
61	Claims 23 & 35
62	Claims 44 & 52
63	Claim 53
64	Claim 54
65	Claim 55
66	Claims 44 & 56

New claim 57 is equivalent to previously presented claim 31 rewritten in independent form. Since the Examiner stated that previously presented claim 31 would be allowable if rewritten in independent form, the Applicant submits that new claim 57 is allowable. Since claims 58-60 depend variously from claim 57, it is further submitted that those claims are also allowable.

New claim 61 is equivalent to previously presented claim 35 rewritten in independent form. Since the Examiner stated that previously presented claim 35 would be allowable if rewritten in independent form, the Applicant submits that new claim 61 is allowable.

New claim 62 is equivalent to previously presented claim 52 rewritten in independent form. Since the Examiner stated that previously presented claim 52 would be allowable if rewritten in independent form, the Applicant submits that new claim 62 is allowable. Since claims 63-65 depend variously from claim 62, it is further submitted that those claims are also allowable.

New claim 66 is equivalent to previously presented claim 56 rewritten in independent form. Since the Examiner stated that previously presented claim 56 would be allowable if rewritten in independent form, the Applicant submits that new claim 66 is allowable.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

Respectfully submitted,

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